Remarks/Arguments

Upon entry of the accompanying amendments, claims 1, 3-14 and 16-18 will be pending in this application. Claims 1-18 are rejected in the Office Action dated May 27, 2008. Claims 1, 3-14 and 16-18 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Claims 2 and 15 are cancelled herein.

Re: Claims 1-9, 11 and 13-18

Claims 1-9, 11 and 13-18 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,940,074 issued to Britt, Jr. et al. (hereinafter, "Britt, Jr."). Applicants respectfully traverse this rejection for at least the following reasons.

It is first noted that independent claim 1, as amended herein, recites:

"Network equipment for providing a connection to a local network, said local network comprising at least one software server, said network equipment comprising:

'a memory for storing software;

'means for providing a connection to said local network; and

'means for monitoring a start up of the network equipment to detect a software start up failure, and for generating a software start up failure signal in response to detecting said software start up failure, said software start up failure signal being sent on the local network for reception by said at least one software server, said software start up failure signal comprising information specifying at least two of: a nature of said software start up failure, an identification of replacement software to be downloaded, and an identification of a version of the software currently stored in the memory." (emphasis added)

As indicated above, amended independent claim 1 defines network equipment comprising a memory for storing software, means for providing a connection to a local network, and means for monitoring a start up of the network equipment to detect a

software start up failure. In response to detecting the software start up failure, the monitoring means generates a software start up failure signal which is sent on the local network for reception by at least one software server. The software start up failure signal comprises information specifying at least two of: a nature of the software start up failure, an identification of replacement software to be downloaded, and an identification of a version of the software currently stored in the memory. Independent claim 16 is amended herein to recite subject matter similar to independent claim 1.

Britt, Jr. fails to teach or suggest all elements of independent claims 1 and 16. First, Britt, Jr. discloses that a failure notification is sent to a server located on the Internet (see, for example, column 8 lines, 24-27). In contrast, the claimed invention states that its failure notification (i.e., the "software start up failure signal") is sent on a local network. Also, the notification according to Britt, Jr. is provided using a multiple step process, as indicated in FIG. 9. According to this process, the network device first connects to a server using a default connection script (see column 9, lines 41-42). The network device then receives a local connection script. Next, the network device connects to the same server using the local connection script. The network device further connects to a default server using a default IP address, port and path. Finally, the network device requests a default upgrade file and indicates the version of the software it is currently running (column 9, lines 52-54).

In contrast to Britt, Jr., the claimed network equipment does not connect to a server, and does not need to know the address of the server. Rather, the claimed network equipment sends a failure notification (i.e., the "software start up failure signal") that includes relevant information specifying at least two of: a nature of the software start up failure, an identification of replacement software to be downloaded, and an identification of a version of the software currently stored in the memory. Britt, Jr. fails to teach or suggest, *inter alia*, sending a failure notification that specifies at least two of these types of information, as claimed. Accordingly, independent claims 1 and 16 are deemed novel and non-obvious over Britt, Jr., and withdrawal of the rejection is respectfully requested.

Re: Claims 10 and 12

Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Britt, Jr. in view of U.S. Patent Publication No. 2002/0095619 by Marsh (hereinafter, "Marsh"). Applicants respectfully traverse this rejection since Marsh is unable to remedy the deficiencies of Britt, Jr. pointed out above in conjunction with independent claim 1, from which claims 10 and 12 depend). Accordingly, claims 10 and 12 are deemed non-obvious over the proposed combination of Britt, Jr. and Marsh, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6828 or 6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the $120 fee for the One Month Extension of Time, and any other fees that may be due, to Deposit Account No. 07-0832.

Respectfully submitted,

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